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BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against:)	NO. D-2057
)	
MICHAEL JOHN SULLIVAN, M.D.)	<u>STIPULATION</u>
Certificate No. A-22668,)	and
)	<u>ORDER</u>
Respondent.)	

IT IS HEREBY STIPULATED by and between the parties
and their counsel as follows:

I

Respondent hereby acknowledges receipt of the
Accusation, Accusation No. D-2057, Statement to Respondent
and copy of Notice of Defense form.

II

The parties waive their right to hearing as
provided by the California Administrative Procedure Act.

III

The matter will, without further proceedings, be
submitted to the Division of Medical Quality for a decision
based upon this stipulation.

IV

Official notice may be taken of Paragraphs I and
II of the Accusation.

V

The allegations set forth in Paragraphs VII through XI of the Accusation are true.

VI

The parties jointly recommend that the following discipline be imposed as the penalty in this matter, and pursuant thereto propose the following Order to be issued by the Division of Medical Quality:

* * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Physician's and surgeon's certificate heretofore issued to respondent is hereby revoked; provided, however, said revocation is hereby stayed and the respondent is placed on probation for a period of 10 years upon the following terms and conditions:

(1) Respondent shall not during the first 45 days immediately following the effective date of this decision, exercise any of the rights and privileges granted to him by his license to practice medicine and surgery.

(2) Respondent shall comply with all laws of the United States and of the State of California, and its political subdivisions and all rules and regulations of the Board of Medical Quality Assurance of the State of California.

(3) Respondent shall initiate and file with the Division of Medical Quality at its office in Sacramento, California, at quarterly intervals after the effective date of this order, an affidavit setting forth the respondent's then present residence and office addresses, and shall set forth, if such be the case, that respondent has fully and faithfully complied with all of the terms

and conditions of probation herein imposed; if respondent has failed to comply with any of the terms and conditions of probation, or has committed any acts in violation of this order, the same shall be fully set forth and explained in said affidavit. Failure to file this affidavit or to include therein the information above specified shall constitute a violation of the terms of probation.

(4) Respondent shall report in person to the Medical Consultant of the Division of Medical Quality and at the time and place as directed by the Medical Consultant, for the purpose of discussing respondent's compliance with the terms and conditions of probation. Respondent shall meet with the Medical Consultant when and as so directed, which shall in no event be less than once each year during probation.

(5) Respondent shall fully and completely comply with the Probation Surveillance Program and cooperate with any agent of the Board operating thereunder, including but not limited to the producing of any appropriate sample necessary for drug detection or drug treatment analysis with the expense of such testing being borne by respondent.

(6) Respondent shall, within 90 days of the effective date of this decision, be examined by a psychiatrist priorly approved by the Division of Medical Quality, and shall undertake a program of psychotherapy if such is recommended by said psychiatrist. Respondent shall cause said psychiatrist to submit a written report setting forth the results of the examination, the same to be mailed to this Division within 90 days of the effective date of this decision and respondent shall

1 cause said psychiatrist to thereafter file quarterly
2 reports for as long as treatment shall be given if
3 treatment is recommended.

4 If treatment is commenced it shall be continued
5 until discontinuance shall be approved by said Division.

6 (7) Respondent shall during the period of probation
7 be subject to psychiatric examination and/or treatment
8 as required by the Division of Medical Quality.

9 (8) Respondent shall completely abstain from the
10 personal use of narcotics, hypnotics, controlled substances,
11 or dangerous drugs, in any form, except when respondent
12 is a bona fide patient of a licensed physician and
13 surgeon and the same is lawfully prescribed for him.

14 (9) Respondent's privileges pursuant to Drug
15 Enforcement Administration shall be restricted to prescribing
16 only those drugs listed in Schedule 3 through Schedule
17 5 of sections 11056 through 11058, respectively, of the
18 Health and Safety Code; provided, however, that respondent
19 may prescribe Schedule 2 drugs when prescribing for in-
20 hospital patients.

21 _____
22 Should the Division of Medical Quality, after
23 notice to Respondent and an opportunity to be heard, determine
24 that respondent has during period of probation violated any
25 term or condition herein imposed, said Division may reimpose
26 the revocation or make such other or further order as it may
27 then deem just and reasonable in the exercise of its discretion.
28 Proceedings to reimpose the revocation or make other disciplinary
29 order with respect thereto shall be initiated within the period

30 -----

31 -----

1 of probation or within one year after the termination thereof;
2 otherwise the stay shall become permanent.

3 * * * *

4 VII

5 Respondent shall upon the signing of this Stipulation
6 cause the same to be forwarded to the Complainant's attorney
7 as set forth below for forwarding to the Division of Medical
8 Quality, and may send with said Stipulation, letters of
9 recommendation, and/or a statement by respondent by way of
10 explanation or mitigation, the same to be forwarded to said
11 Division.


12 VIII

13 Respondent, Michael John Sullivan, M.D., enters
14 into this Stipulation freely and voluntarily by and with the
15 advice of his counsel, whose signature appears below, and
16 hereby waives any right of appeal which he may now have or
17 hereafter acquire arising out of and by reason of the disputed
18 settlement herein.


19 IX

20 IT IS AGREED THAT the terms set forth herein shall
21 be null and void and not binding upon the parties hereto
22 unless approved by the Division of Medical Quality of the
23 Board of Medical Quality Assurance of the State of California.

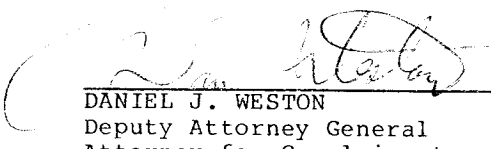
24
25 DATED: DEC 16, 1977


MICHAEL J. SULLIVAN, M.D.
Respondent

26
27
28 DATED: DEC 20, 1977


JOHN R. THOMAS, JR.,
Attorney for Respondent

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31 DATED: Oct 22, 1979


DANIEL J. WESTON
Deputy Attorney General
Attorney for Complainant

* * * *

ORDER

The above Stipulation is accepted as the Decision of the Division of Medical Quality, Board of Medical Quality Assurance.

This Decision shall become effective on the 1st day of October, 1978.

IT IS SO ORDERED this 26th day of June, 1978.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
OF THE STATE OF CALIFORNIA

By Michael J. Carella
MICHAEL J. CARELLA, Ph.D.
Secretary-Treasurer
Division of Medical Quality

EVELLE J. YOUNGER, Attorney General
of the State of California
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Attorneys for Board of Medical
Quality Assurance

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DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	NO. D-2057
Against:)	
MICHAEL JOHN SULLIVAN, M.D.)	<u>ACCUSATION</u>
License No. A-22668)	
Respondent.)	

COMES NOW THE COMPLAINANT, ROBERT ROWLAND, and as
causes for disciplinary action against the above-named respondent,
alleges as follows:

I

Complainant, Robert Rowland, is the Executive Director
of the Board of Medical Quality Assurance of the State of
California and makes this accusation solely in such official
capacity.

II

Respondent, Michael John Sullivan, on or about
October 2, 1967, was issued Physician's and Surgeon's
Certificate No. A-22668 by the Board to practice medicine and
surgery in the State of California and at all times mentioned
herein respondent was and now is licensed by the Board to
practice medicine and surgery in this State.

III

Section 2361 (a) of the Business and Professions Code

1 provides (all references are to the Business and Professions
2 Code unless stated otherwise) that the Division of Medical
3 Quality shall take action against any holder of a certificate who
4 is guilty of unprofessional conduct and that unprofessional
5 conduct includes, but is not limited to, violating or attempting
6 to violate, directly or indirectly, any provision or term of
7 the Medical Practice Act.

8 IV

9 Section 2391.5 provides that violating any federal
10 or state statute, rule, or regulation regulating narcotics,
11 dangerous drugs, or controlled substances, constitutes un-
12 professional conduct.

13 V

14 Section 11157 of the Health and Safety Code provides
15 that no person shall issue a prescription that is false or
16 fictitious in any respect.

17 VI

18 Section 11170 of the Health and Safety Code provides
19 that no person shall prescribe, administer or furnish a
20 controlled substance for himself.

21 VII

22 (1) Morphine sulfate is a schedule two controlled
23 substance pursuant to section 11055 B (1) xiii and B (2) of
24 the Health and Safety Code.

25 (2) Demerol (meperidine hydrochloride or pethidine
26 hydrochloride) is a schedule two controlled substance pursuant
27 to section 11055 (c) (14) of the Health and Safety Code.

28 VIII

29 At various times respondent wrote prescriptions using
30 various "patient" names for drugs which include the
31 following:

TRANS- ACTION #	PATIENT	DATE- O.C.A.	DRUG- AMOUNT	PRESCRIPTION #
1	M.J. S [REDACTED]	10-19-76	DEMEROL 100 mg/cc x2-20 cc vials	3177K01
2	M.J. S [REDACTED]	11-10-76	DEMEROL 100 mg/cc x1-20 cc vial	3177K02
3	M.J. S [REDACTED]	11-29-76	DEMEROL 100 mg/cc x1-20 cc vial	3177K03
4	J [REDACTED] H [REDACTED]	12-7-76	DEMEROL 100 mg/cc x2-20 cc vials	3177K04
5	J [REDACTED] H [REDACTED]	1-4-77	DEMEROL 100 mg/cc x1-20 cc vial	3177K05
6	K [REDACTED] W [REDACTED]	2-10-77	DEMEROL 100 mg/cc x1-20 cc vial	3177K07

All of the above prescriptions were filled with the indicated Demerol being delivered to the custody and possession of M.J. Sullivan, M.D., respondent herein.

IX

In transactions 4, 5 and 6 of paragraph VIII, respondent violated section 11157 of the Health and Safety Code in that the indicated beneficiaries of the drugs (to wit J [REDACTED] H [REDACTED] and K [REDACTED] W [REDACTED]) were false in that they were not being treated for a pathology and respondent never intended them to be the recipients of the prescribed Demerol.

X

In transactions 1 through 6 of paragraph VIII, respondent violated section 11170 of the Health and Safety Code by using the Demerol so obtained for self administration.

XI

Respondent's first contact with Demerol occurred in 1962 when he received a prescription for oral Demerol for migraine headache. Around 1968, respondent was provided a 10-day administration of injectable Demerol after chest surgery. During 1972 and 1973, while employed as an Assistant Professor at the University of California at Davis, respondent on several occasions unlawfully self administered Demerol for migraine headaches. During 1976, respondent began the heavy self administration of Demerol, all being unlawful. During this time and extending to February, 1977, respondent unlawfully self administered injectable Demerol with no physical pathology. By August, 1976, respondent was self administering by injection approximately 100 mg. of injectable Demerol 2 or 3 times a week. By the end of 1976, respondent was self administering 100 to 250 mg. of Demerol 2 or 3 times per week by injection.

During the period from 1972 to February 1977, respondent would occasionally inject himself with morphine sulphate.

Respondent's self administration of these drugs included intramuscular injection initially, and during 1976 included intravenous injections in the inner arms and injections in the veins of his feet.

In 1976 and 1977, respondent's motivation for such self administration was to obtain a pleasure experience and to relax. These drugs were in part obtained by diversion, dilution and substitution.

The self administration of Demerol and morphine sulphate from 1972 to 1977 as set forth herein, did on each occasion constitute a violation of section 11170 of the Health and Safety Code.


/ / / /

1 WHEREFORE, complainant prays that the Division of
2 Medical Quality hold a hearing on the matters alleged herein
3 and following a hearing issue a decision:

4 (1) Revoking or suspending the certificate of
5 respondent;

6 (2) Taking such other and further action as the
7 Board deems necessary and proper.

8 DATED: AUGUST 18, 1977

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11 
12 ROBERT ROWLAND
13 Executive Director
14 Board of Medical Quality Assurance
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